

**FOR IMMEDIATE RELEASE****Statement of Chairman Bennie G. Thompson***Visa Overstays: Can They be Eliminated?*

March 25, 2010 (Washington) – Today, Committee on Homeland Security Chairman Bennie G. Thompson (D-MS) delivered the following prepared remarks for the full Committee hearing entitled “Visa Overstays: Can They be Eliminated?”:

“Today’s hearing expands our examination of visa security. This examination began with our questions about the issuance of a visa to the Flight 253 Christmas bomber.

It will continue today as we examine the issue of foreign travelers who arrive in this country with a proper visa but then violate the terms of that visa. Today, we are concerned about those travelers who stay longer than allowed under the terms of the visa. These are the “overstays.”

This is not a new issue. In the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Congress required the Attorney General to develop an automated entry and exit system to collect and match an immigrant’s arrival and departure records. Such a system would allow for easy identification of those who remain beyond their period of authorized stay.

Many are aware of the overstay issue because of media reports that four of the September 11th terrorists entered the United States on a legitimate visa but stayed beyond the authorized period.

After September 11th, Congress again sought to address overstays in the Intelligence Reform and Terrorism Prevention Act of 2004. That act required deployment of a biometric entry and exit system.

Many of us believed that the overstay issue would be addressed by the full implementation of the US-VISIT program. But in December 2006, the Department hinted that they were considering abandonment the exit portion of US-VISIT. These hints did not clearly indicate the abandonment. But a November 2009 General Accountability Office report made it clear that the US-VIST exit capability will not happen.

So I think we can all safely conclude that despite spending at least \$1.7 billion dollars, the previous Administration did not develop a centralized means to track overstays. The question now becomes whether such a system is likely in the immediate future. I look forward to hearing the assessment of our witnesses.

But while we lack a system, the issue remains. According to Immigration and Customs Enforcement, the estimated number of people who overstayed their visas in 2009 was 199, 289. Of that number 6,231 cases were referred to ICE field offices for investigations. Of those referrals, 1,846 people were arrested. In essence, about one percent of those people who overstayed were apprehended and deported.

I do not know if that number is too big or too small. But I do know that absent a centralized system, other means must be employed. There must be a risk-based approach to determine who should be investigated and arrested. The focus must be on those people who are dangerous and likely to commit acts of violence. After the appropriate focus has been established, resources must be dedicated to this mission. The DHS Inspector General has found that ICE field offices do not have agents devoted solely to investigating leads referred by headquarters. Further, those offices do not have a dedicated funding stream for investigations of overstay cases.”

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FOR MORE INFORMATION: Please contact Dena Graziano or Adam Comis at (202) 225-9978

United States House of Representatives
Committee on Homeland Security
H2-176, Ford House Office Building, Washington, D.C. 20515
Phone: (202) 226-2616 | Fax: (202) 226-4499
<http://homeland.house.gov>